

**Summary of the Discussions of the  
Highly Migratory Species and  
Billfish Advisory Panels Meeting**

**Silver Spring, MD  
10-12 February 2003**

Highly Migratory Species Management Division  
Office of Sustainable Fisheries  
National Marine Fisheries Service  
National Oceanic and Atmospheric Administration  
Department of Commerce  
Silver Spring, Maryland

May 2003

This document summarizes the major discussions held at the joint Highly Migratory Species (HMS) and Billfish Advisory Panels (APs) meeting in February 2003. This document does not endorse any viewpoint nor does it attempt to identify any consensus among AP members or any agency preference. Rather it serves to summarize some of the specific suggestions and comments that the staff of the HMS Management Division heard from AP members. Once available, complete transcripts of the February 2003 AP meeting will be available on the HMS Management Division webpage at: <http://www.nmfs.noaa.gov/sfa/Advisorypanels.html>.

Discussion of the current issues and topics are contained in the 2003 Stock Assessment and Fishery Evaluation Report for Atlantic HMS (SAFE report). Copies of the SAFE report are available online at: <http://www.nmfs.noaa.gov/sfa/hmspg.html>.

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## **Meeting Agenda**

The following is the meeting agenda as presented at the beginning of the AP meeting. While the times may not have been followed during the meeting, this agenda serves as the organizational key for this meeting summary.

Monday, February 10, 2003

- 1:00 p.m.      Opening Comments**  
Welcome/Introduction  
Objectives of the Meeting  
Informational References  
    The HMS Process  
    SOPPs  
    Scientific Research  
    Regulatory Update  
**SAFE Report**  
**2003 Rule Schedule**
- 2:00 p.m.      Adoption of the Agenda**  
Priority within Topics/Timing  
Other Issues
- 2:15 p.m.      Shark Issues**  
2002 In Review  
2003 Emergency Rule Update
- 2:45 p.m.      Break**
- 3:00 p.m.      Scoping for the HMS FMP Shark Amendment**  
Issues Options Paper  
  
*AP Discussion*
- 4:45 p.m.      Break**
- 5:00 p.m.      Scoping Meeting Continues - *Public Comment***
- 6:00 p.m.      Adjourn**

Tuesday, February 11, 2003

**8:30 a.m. Billfish Issues**

White Marlin ESA Status Review and 5-Year Management Review  
ICCAT Management Recommendations  
New Permit and Reporting Requirements  
Tournament Registration  
Proposed Outreach  
    Circle hook promotion  
    Improve communication  
Atlantic Billfish Research Plan

*AP Discussion*

**10:00 a.m.** Break

*AP Discussion*

**12:00 p.m.** Lunch

**1:00 p.m. International Commission for the Conservation of Atlantic Tunas Update**

2002 Meeting Results  
Spring Advisory Committee Meeting

*AP Discussion*

**2:00 p.m. Trade Restrictive Measures/Vessel Lists  
Statistical Documents**

**3:00 p.m.** Break

**3:15 p.m. Swordfish - 2002 and Beyond**  
Stock Assessment/ICCAT quota  
New Permit/Bag Limit/Reporting

*AP Discussion*

**5:00 p.m. Bigeye, Albacore, Yellowfin, Skipjack Tuna**  
Data Collection/Management

**6:00 p.m.** Adjourn

Wednesday, February 12, 2003

- 8:30 a.m.**     **Bycatch Issues**  
Bycatch Reduction Measures Update  
Northeast Distant Experimental Fishery  
BFT Incidental Catch Proposed Rule  
  
*AP Discussion*
- 10:00 a.m.**     Break
- 10:15 a.m.**     **HMS Authorized Gear/Permitting**
- 10:45 a.m.**     **Bluefin Tuna**  
Purse Seine Start Date  
Commercial Minimum Size  
ICCAT Quota
- 12:00 p.m.**     Lunch
- 1:00 p.m.**     **North Carolina Petition for Quota**
- 3:00 p.m.**     Break
- 3:15 p.m.**     *AP Discussion and Public Comment*
- 5:00 p.m.**     **Topics for 2<sup>nd</sup> 2003 AP Meeting** (Location and Time)
- 5:30 p.m.**     Adjourn



## **Summaries of the Discussions Held on Monday, February 10, 2003**

### **The HMS Process/Advisory Panel SOPPS**

The National Marine Fisheries Service (NOAA Fisheries) reviewed the basis and history of the process by which HMS fishery management plans (FMP) and FMP amendments are developed (called the “HMS process”), which will be finalized soon, and the HMS and Billfish Statements of Organization, Practices, and Procedures (SOPPs), which were harmonized because the panels frequently meet jointly. Questions and issues raised by AP members included:

- What is the minimum time for an FMP amendment?
- Does a mechanism to reopen closed areas exist?
- The SOPPs should add references to the International Commission for the Conservation of Atlantic Tunas (ICCAT) and the Atlantic Tunas Convention Act (ATCA).
- What is the role of the Councils?
- For combined panel meetings, do councils and states get 2 representatives?
- Concern was expressed that the SOPPs indicate that travel expenses are not paid.
- What is the plan for review of shark state regulations under the Magnuson-Stevens Act?

### **Adoption of the Agenda**

Several requests for additions and changes to the agenda were made. Those requests are below, with the time that the items were slated to be discussed in brackets.

- Add a discussion on the bluefin tuna bag limit [Wednesday]
- Add a discussion on HMS data collection under the Atlantic Coastal Cooperative Statistics Program [Tuesday afternoon with Bigeye, Albacore, Yellowfin, and Skipjack Tuna]
- Add a discussion of the Gulf of Mexico Fishery Management Council letter to Sutton and Ditton [Tuesday morning with Billfish]
- Add a discussion on the Harpoon closure date and General Category effort controls [Wednesday]
- Start at 8 am on Wednesday.
- Add a discussion for public comment on bycatch on Wednesday before the break.
- Bluefin tuna issues are always at end of meeting. Try to mix it up.

### **Shark Issues**

#### *2002 in Review and 2003 Emergency Rule Update*

NOAA Fisheries presented the shark scientific and management actions undertaken in 2002, including new stock assessments for large and small coastal sharks, the 2002 emergency rule, the national finning ban, a proposed rule on exempted fishing permit tagging and reporting

requirements, the bottom longline observer program, and 2002 shark seasons and landings, and also provided an update on the 2003 emergency rule. Questions and issues raised by AP members included:

- Are there provisions within the emergency rule that are not included in the Amendment?
- Can we fax comments to NOAA Fisheries?
- What are the abundance and biomass trends for shark groupings?
- How does NOAA Fisheries differentiate between state and federal landings currently?
- Are the states also implementing a minimum size on Ridgeback large coastal sharks (LCS)?
- NOAA Fisheries needs to make it more clear as to how decisions are made and derived. For example, how were the quotas developed for LCS and small coastal sharks?
- Concern was expressed that the stock assessments do not clearly outline which models were used in the development of management advice.
- Concern was expressed about the dramatic change in blacktip shark status.
- Concern was expressed about the lack of notice and comment on the emergency rule and the process used to reach the adopted quotas.
- Concern was expressed that NOAA Fisheries does not have enough data to support species level management, however the agency continues to adopt quotas which heavily favor the species for which abundance and biomass are increasing.
- Concern was expressed about allowing the shark season to extend into the pupping season (i.e., May).

#### *Scoping for the HMS FMP Shark Amendment*

The shark scoping discussion focused on a variety of issues including proposed management options outlined in the Shark Issues and Options for Revised Management of Atlantic Sharks. Other issues that were raised included the type and timing of amendment options, stock assessments, bycatch, prohibited species, bag limits, and pupping season overlap with shark season start and end dates. There were also several comments about coverage in the shark observer program, and the need to address management concerns in the Caribbean. Many of the comments relate to the emergency rule discussed above and actions that NOAA Fisheries should address in the HMS FMP Shark Amendment. Questions and issues raised by AP members and the public included:

##### Stock Assessments and Data Issues

- Concern was expressed about the uncertainties in the different models that were used
- The Mexicans should be part of the assessment because the sharks they are harvesting are part of the resource.
- NOAA Fisheries should not wait until 2006 to do the next stock assessment.
- It is important to get data on other commercially important species besides blacktip and sandbar sharks. There should be a workshop to look at other species. There are commercially important species such as bignose sharks that are an untapped resource, but there are no assessments for these species. Everyone identifies LCS as overfished, however certain prohibited species were never assessed. For instance, scalloped and

great hammerheads, silky, spinner, tiger, and dusky sharks could all be modeled and it is important to do modeling as soon as possible so they don't get listed as endangered. A lot of sharks considered overfished are not.

- There should be a followup meeting to discuss models and trends. There is a need to increase the mix of people in discussions.
- NOAA Fisheries needs to address information availability. There is not enough information available. NOAA Fisheries needs to look into the future to determine information needs. NOAA Fisheries needs to address information needs in the I/O paper.
- NOAA Fisheries is not accounting for sharks caught in the Virgin Islands. A large amount of sharks are being caught, probably equal to the U.S. harvest.
- One species in a complex can be fished down to the ESA level. This should be discussed in the Issues Options paper.

#### Mortality Level Issues

- The LCS complex is overfished. NOAA Fisheries needs a plan to address extra landings and size limits to improve chance of success.
- Reductions are needed for other sharks. How is NOAA Fisheries going to guarantee that vulnerable species will not be reduced? How is this enforceable?
- The realistic effect of the rule is to raise the allowable take of non-ridgeback species 20 percent. If NOAA Fisheries wants to see only 50 percent of non-targeted species landed, then the assumption is that fishermen will target blacktips and not other species, but where is the evidence for this? The current scenario will raise catch on the rest of the complex. The rule may look good on paper, but this approach should not become entrenched.

#### Finetooth Shark Issues

- How can finetooth sharks be overfished when no one is catching them?
- NOAA Fisheries should consider adding finetooth sharks to the prohibited species list.
- How is NOAA Fisheries going to manage overfishing of finetooth sharks?

#### Dusky Shark Issues

- There has been an explosion of dusky sharks, and there should be data from a reputable source to support this claim.
- NOAA Fisheries should address dusky shark discard mortality, not allow landings.
- Dusky sharks experience 80-85% mortality when they are hooked, and it would help to count them towards the quota and trip limit.
- NOAA Fisheries should allow dead dusky sharks to be landed.
- NOAA Fisheries should engage in a good faith effort with fishermen to release live dusky sharks but keep the dead ones. NOAA Fisheries would need to monitor this closely. Ninety percent of fishermen would comply.
- Dusky sharks that are being killed are not being accounted for. There needs to be a bycatch allowance to account for them. Throwing them away is a total waste.

#### Commercial Fishing Issues

- NOAA Fisheries should consider quarterly seasons, not semi-annual seasons. NOAA

Fisheries should consider a January opening, then close until July and then an October opening. This would help market and target desired species.

- NOAA Fisheries should start the shark season in January and close it in March.
- There should be a January-March season and April-June pupping season closure.
- There should be a fishery outside the 300' depth contour with seasons of July-September and October-December.
- Fishermen already target large sharks because the fins on large sharks are six times more valuable than fins from small sharks. One large shark may bring the equivalent price of 40 small sharks, so in this sense the industry is self-regulating.
- There should be a 100,000 lb set aside for experimental fishery for bignose sharks.

#### Recreational Fishery Issues

- NOAA Fisheries needs to address the recreational bag limit and vessel limit. NOAA Fisheries should consider a per person bag limit.
- There is a defacto prohibition on sharks less than 4.5 feet because many species don't grow that large.
- The LCS size limit for recreational fishing is an enforcement issue. Recreational fishermen have no reason to obey. NOAA Fisheries needs public education because people don't know limits. NOAA Fisheries should spend time with writers from sport fishing publications.
- We need information on catch rates from the recreational sector.
- Where do the recreational landings on pages 24-25 come from? Table 4.7 says that no thresher sharks landed but 30 were landed in Montauk Harbor during tournament. It says that 5,703 dusky sharks were landed. No, this is catch and release. If sharks are improving, NOAA Fisheries should consider giving recreational fishermen a bigger quota.
- NOAA Fisheries should allow flexibility in retention limits for paying customers on headboats.

#### Pupping Season Issues

- NOAA Fisheries should protect mature females and pups. As seen with spiny dogfish, it is important to protect mature females when they are aggregating and about to reproduce.
- Close the pupping season.
- It is not fair to close everything due to pupping because states don't do the right thing. In the north, fishermen would be fishing 30 miles offshore. NOAA Fisheries should get states to do pupping closures.
- Regional closures for pupping would be reasonable.

#### Prohibited Species Issues

- NOAA Fisheries should add deepwater species to the prohibited list because they are vulnerable, mature late and are more susceptible to fishing pressure.
- Why is smooth dogfish not included? Smooth dogfish is a deep ocean species.

### Observer Coverage Issues

- Two percent observer coverage is ridiculous and can't be used for statistical analysis. NOAA Fisheries needs to increase coverage, otherwise it will deal only with anecdotes.
- NOAA Fisheries should put a specific goal for observer coverage based on what is scientifically needed.
- Two to four percent observer coverage is not adequate, we need at least five percent.
- The pelagic longline observers need to shift to a standard such as number of hooks observed, rather than sets or trips, which are highly variable.

### Dead Discard Accounting Issues

- Trip limits are connected to dead discards and should be counted against the quota.
- Dead sharks should be used.
- Accounting for mortality is confusing. Is it for management purposes or scientific data? NOAA Fisheries could add "How to account mortality for quotas."
- There are many sources of mortality besides fishing. Overfishing is an unfortunate use of the term because mortality may not be due just to fishing.
- How do you justify throwing dead fish away? Dead is dead.

### Bycatch Issues

- There is no plan to address bycatch in the shrimp trawl and gulf menhaden fisheries.
- How is NOAA Fisheries going to address shark bycatch in shrimp trawls? Texas is closing nearshore areas to shrimp trawling to protect finetooth.
- There are misleading statements in the Issues Options paper such as statements that "overfishing could be occurring" and that regarding bycatch NOAA Fisheries is using "all the tools we have." Other tools are being used for swordfish that are not being used for sharks. The tables describe information that is being used for other fisheries. Time-area closures are good and gear restrictions should be considered in scoping to reduce bycatch.
- There should not be time-area closures. NOAA Fisheries should use other precautionary measures.
- NOAA Fisheries should avoid time-area closures which require very good data.
- Fishermen should reap the benefit of their sacrifice. People need to make money to put back into their boats. Stressed fisheries are unprofitable. Florida Straits closure should have been a buyback. Most fishermen went out of business.
- The term bycatch is misused. If the catch is marketable, it should be called secondary catch, not bycatch.
- There needs to be a reasonable allowance for incidental catch.
- NOAA Fisheries should require dehooking devices to maximize survival. Gear design and tools increase survivability.
- NOAA Fisheries should include a safe release guidelines handbook.
- NOAA Fisheries should require line clipping equipment because trailing line gear should be removed. NOAA Fisheries needs to clarify types of line clipping gear and types of gear.
- NOAA Fisheries should require fishermen to attend mandatory workshops.

#### Exempted Fishing Permit Issues

- The Atlantic States Marine Fisheries Commission tried to deal with Exempted Fishing Permits (EFPs). NOAA Fisheries should consider a standardized database for states who issue EFPs and the impact of these permits.
- Why are EFPs allowed to capture sand tigers?
- Public aquarium displays should be called aquarium permits.

#### Essential Fish Habitat Issues

- NOAA Fisheries needs to consider essential fish habitat (EFH) issues including a strategy and action plan.
- There is EFH data on nursery habitat that is not in the FMP.

#### Species-Specific Management and Shark Identification Issues

- Species-specific quotas would be a noble effort, perhaps observers could train vessel crew to identify shark species.
- NOAA Fisheries should produce a shark guide.
- Species-specific quotas are becoming more important and an identification guide and education should be a huge effort. These may not be enough however to manage on a species-specific basis successfully. Fishermen need knowledge of species.
- Sex determination in sharks is difficult because you can't always make a large shark roll over onto its back. Sex-specific quotas should not be used.

#### General Management Issues

- Regulations are working. NOAA Fisheries needs to fine tune them.
- Sharks have benefitted from management since 1993.
- Before 1993 there were no good records and quotas kept getting cut. Fishermen had to go to court to show economic harm, and had to intervene in The Ocean Conservancy lawsuit. Don't put shark fishermen out of business
- This is the first time NOAA Fisheries is considering fishermen, which is a legal requirement. This is how environmental concerns should be addressed. NOAA Fisheries is doing a good job.
- NOAA Fisheries needs to consider regional issues, because there are regionally distinct populations.
- There needs to be more effort to get states to comply with federal regulations and to enforce rules.
- Individual quotas might help by eliminating derby fishing. Currently fishermen don't have time to repair their vessels.
- Vessel monitoring systems (VMS) should be included.
- VMS will be overtaken by port security issues. They will put something on every vessel.
- NOAA Fisheries should use weights rather than numbers in tables.

#### FMP Amendment Issues

- Concern was expressed that the proposed amendment is shark specific, and how bycatch

will be addressed in a multi-species manner. Will the amendment be expanded to include pelagic longlines? NOAA Fisheries needs to think of broader picture and not just sharks. Would the shark amendment be lumped with other issues such as bluefin tuna and swordfish?

- NOAA Fisheries should not include too many issues in the FMP Amendment or the public will be confused.

## Summaries of the Discussions Held on Tuesday, February 11, 2003

### Billfish Issues

#### *White Marlin ESA Status Review and 5-Year Management Review*

NOAA Fisheries reviewed the process and outcome of the petition to list Atlantic white marlin as threatened or endangered under the Endangered Species Act (ESA). NOAA Fisheries denied the petition but committed to reassessing that decision in five years in light of Atlantic white marlin stock status and domestic and international management measures. Comments and issues raised by AP members included:

#### Status Review and Mortality Level Issues

- What measures does NOAA Fisheries recommend to reduce mortality?
- Where do we need to reduce mortality?
- The mortality is off the coast of Brasil. It needs to be addressed.
- In considering an ESA listing, can NOAA Fisheries look forward beyond the listing for overall mortality? Is NOAA Fisheries able to look at possible effects of listing on the species?
- How much weight is given to the mortality inflicted by foreign fleets when considering an ESA listing?
- We don't know the recreational mortality limit or longline discards.
- Does NOAA Fisheries have to look at mortality in general (as a whole)?
- By creating an ESA listing, mortality on a species can increase by forcing more imports of tuna from nations with higher bycatch and by making anglers travel to nations that don't practice catch and release.
- Did the status review recommend an increase in size or focus of resources?
- What research is underway in regard to longline interaction?
- For the next 6-7 years what is NOAA Fisheries going to be doing?

#### International Issues

- Taiwan commercial fishermen are selling white marlin landed in Brasil. With the presidential change, the laws prohibiting the landing of white marlin are no longer in effect and that new laws will not be in effect until early October 2003.
- We are all committed to billfish preservation. We will work with the 250 fish. However, we must get a message back to Japan and let them know we will not stop fishing. Let's hold their bigeye.
- Let's limit the Japanese to 250 fish.
- The United States needs to continue to be a leader at ICCAT.
- The 250 fish galvanized the industry. 250 fish supports the whole industry.
- It's time for Japan to do something. Japan needs to take warning.
- Can we work internationally to avoid a listing?
- People in this country value turtles. The problem is the value of measures in place to



limit turtles are not dispersed, they are focused on a few individuals. The Taiwanese have moved in to where the Hawaii swordfish fishery used to be. We need to find a way to disperse the costs of saving these turtles to include foreign nations.

- We should be able to look at tariffs for the nations if they plan on exporting to the United States. Let's look at trade and more creative solutions outside of the box.
- We need to find ways to force other nations to conform to the same rules we have to. We must extend our reach. Our law will disadvantage our citizens and will not be helping the species.
- Take a message back to Japan for me. I have stopped buying Japanese products.
- We have got to use tariffs or labeling to force them ..." Marlin Safe Tuna"... find a creative solution.

### *ICCAT Management Recommendations*

NOAA Fisheries reviewed Atlantic blue and white marlin stock status, recent ICCAT recommendations to reduce marlin landings, the international rebuilding plan established in 2000 that limits the United States to recreational landings of 250 blue and white marlin, combined, per year, as well recent domestic actions implemented to ensure compliance with ICCAT recommendations. Comments and issues raised by AP members included:

- The United States took a best estimate at the 250 fish when ICCAT negotiations were happening. Other countries at ICCAT do not comply and are not concerned with credibility.
- It is absurd that commercial boats are landing white marlin in Brasil and, here in the United States, we are worried about 250 fish in aggregate.
- Looking at the numbers, we are not close to the cap.
- What numbers of blue marlin and white marlin have been recorded for landings in past years?
- Raise the size limit to lessen mortality.
- Mortality might increase if people are paying to participate because they may be more apt to kill a fish since they had to pay for the opportunity to catch it.
- Increasing the minimum size would be the best way to comply with the landings cap and would lessen any problems with respect to late season tournaments because it affects everyone equally.
- NOAA Fisheries should set up a formula up front to increase sizes at certain numbers of landed fish.
- Is there carryover?
- Why doesn't NOAA Fisheries make all recreational billfish fishing catch and release?
- How would NOAA Fisheries get the word out to the public about inseason adjustments?
- We are spending a lot of time and resources on a small number of fish. We are trying to do the right thing and it is not a punitive thing.
- We will not go over the cap. Maybe six fish are landed yearly as potential world records.
- NOAA Fisheries should allocate landing tags for record fish and allocate more tags for blue marlin than white marlin. NOAA Fisheries should look at catch history and try to

- allocate landings tags fairly.
- There should not be an increase in size limit.
- Almost every blue marlin is released alive.
- Give us a roll over. What about the four year overage/underage roll-over? Can we be over some years and under in other years, as long as you are under at the end of four years?
- There was a “no steel leaders” resolution passed by ICCAT to help reduce marlin mortality.
- With all the measures in place, NOAA Fisheries will be under the 250 fish limit.
- Does the 250 fish limit also include tournament landings from fishermen in foreign countries?

### *New Recreational Permit and Reporting Requirements Update*

NOAA Fisheries presented the two recent final rules that established the Atlantic HMS Angling permit and the mandatory recreational landings self-reporting system for Atlantic blue and white marlin, sailfish, and swordfish. NOAA Fisheries reviewed the intent of the new requirements as well as the permitting and reporting processes. Comments and issues raised by AP members included:

#### Reporting Issues

- The billfish number phone message is too long.
- Billfish should have mandatory reporting.
- NOAA Fisheries should make sure that the North Carolina reporting is expanded to all of North Carolina and not just Hatteras and Morehead City.
- If the goal of this is to make sure we don’t exceed the 250 fish limit, then much of the information asked for here is not necessary.
- The information NOAA Fisheries wants associated with the landing is going to make people uncomfortable.
- This won’t work to count the fish.
- Does a U.S. citizen on a non-U.S. boat in Venezuela need to call?
- What sort of outreach is going to be conducted? What is the motivation for people to report their fish? We must urge fishermen to report.
- NOAA Fisheries should capture interactions, like requiring the completion of a survey before receiving a permit.
- The reporting form might be used as a report that is optional.
- Anglers have a good relationship with scientists from the Panama City area because they collect data for science.
- What about reporting landings in other countries?
- Since there is no peer pressure for the call in, would a body tag be better?
- The landings data and information on the landings form interface is important basic information. After initiation, it will lead to information on boated fish, time trolled, hooks per unit effort, time of fight, and an idea of mortality. We have to do it. We need an indication of the impact and that’s what the permits are for. The number of permits is no indication of effort.

- Give participants a decal and require them to fill out a landings form.
- NOAA Fisheries should perhaps require a vessel sticker and with that vessel sticker comes a requirement to fill out a survey if selected. That would make it easy. The surveyor just walks down the dock and sees who has it, and if you have a sticker and they choose to speak with you, you are required to cooperate, to take five minutes and answer some questions.
- How can the in-season adjustment be accomplished without a real-time reporting system?

#### Permitting Issues

- It is confusing to figure out what permit is required.
- Are all tunas permits commercial?
- Does everyone need an HMS Angling permit who could potentially catch an HMS species?
- Can NOAA Fisheries clarify if anglers need an HMS Angling permit while wahoo fishing (“for all vessels where HMS are retained or possessed”)?
- There are more than 100,000 registered boats in South Florida and most of them fish at one time or another during the year. Does NOAA Fisheries expect most of them to call in and purchase this permit?
- How do the different HMS permits come into play with the angling permit?
- Is the HMS Angling permit required from the beach to the shore? Is this true for the other species?
- Every boat will have to have the HMS Angling permit because of possible interactions with sharks.
- What are the ways of obtaining the permit?
- Concern was expressed that none of the cost is going toward conservation efforts. The price should be lowered.
- NOAA Fisheries is excluding the General Category from recreational HMS fishing but if boats choose to enter the charter/headboat fishery, then they can participate in tournaments?
- NOAA Fisheries personnel should be available at tournaments to assist tournament fishermen in obtaining their permits prior to an event.
- Is a contractor issuing the permits? How much revenue comes back to NOAA Fisheries?
- Concern was expressed about the HMS Angling permit being required for almost anyone who is fishing. Total registration is too extreme.
- Will the jurisdictional problems be clarified by the time the permit is required?
- If you troll or fish certain waters, it would be wise to hold this permit.
- The numbers of recreational fishermen are on the increase. We have a requirement under ICCAT and the Magnuson-Stevens Act to get a handle what those numbers are. We don’t have the credibility we need.
- The conservation ethic of the billfish fishermen may change because of a permit.

#### Enforcement Issues

- What does NOAA Fisheries mean by “on the hook”? NOAA Fisheries Enforcement says if it is on the hook it is possessed.

- How is NOAA Fisheries going to enforce the landing call back system?
- Can NOAA Fisheries preclude me from using my boats for personal use?
- NOAA Fisheries is wasting enforcement's time if it is not necessary in State waters.
- NOAA Fisheries needs to redefine the term possession.
- Don't pass a law NOAA Fisheries can't enforce.
- Sanction permits for non-compliance.

### *Tournament Registration*

NOAA Fisheries reviewed the existing requirements and procedures for HMS tournaments as well as a new registry and reporting system under development. NOAA Fisheries also solicited comments and advice on improving communication with constituents. Comments and issues raised by AP members included:

- How does an angler know if the director is reporting the tournament landings?
- NOAA Fisheries needs to let people know that all tournaments are selected. NOAA Fisheries needs to let people know that only non-tournament fish need to be called in.
- Tournaments are an excellent way to collect catch per unit effort (CPUE) data. This is an excellent way to collect and keep a gauge on CPUE. As far as individual tournaments are concerned, they want to maintain their tournament.
- It is important to separate the recreational landings from tournament landings.
- NOAA Fisheries must determine tournament landings to allocate between tournament and non-tournament landings.
- Ninety-five percent of Recreational Billfish Survey marlin landings are from tournaments. Operators know billfish tournaments are at 100% reporting.
- White marlin and blue marlin are rarely killed in the Gulf of Mexico tournaments. Most recreational fishermen do not kill fish aside from maybe a few potential world records.
- What would be wrong with a catch and release tournament format?
- In setting the fishing year, a semi-annual season would put more tournaments at risk.
- NOAA Fisheries needs data from tournaments.
- What about body tags? NOAA Fisheries could give tournaments a percentage of the tags based on historical landings.
- Video cameras work well in release tournaments.
- NOAA Fisheries should seize the purse of non-registered tournaments.
- Landings history should be submitted with tournament registration one year then updated each year.
- NOAA Fisheries should include an application form which requires a rationale for kill tournaments.
- Shark tournaments have a representative from NOAA Fisheries present. Why not staff billfish tournaments with NOAA Fisheries scientists?
- NOAA Fisheries needs non-tournament CPUE information.
- Tournament CPUE data reported to NOAA Fisheries are inaccurate. The actual hours trolled are inaccurate. Is NOAA Fisheries asking tournament directors about their effort?
- Most operators get averages for the whole tournament. These people are professional and fishing time is paramount. The reported data are accurate.

### *Outreach, Circle Hook Promotion, and Improved Communication*

NOAA Fisheries provided information on current and planned outreach efforts on existing permitting and reporting requirements, as well as efforts to promote the use of circle hooks in recreational fisheries. NOAA Fisheries also solicited comments and advice on improving communication with constituents. Comments and issues raised by AP members included:

- I think it is great that you are working with the tournaments. The IGFA uses tournament observers and circle hooks.

### *Atlantic Billfish Research Plan*

NOAA Fisheries presented the Atlantic Billfish Research Plan, which identifies stock assessment challenges for billfish, threats to billfish stocks, biological and fisheries research, analytical methodology and research tool development, and resource needs for 2003 through 2005.

Comments and issues raised by AP members included:

- Can the charts be broken down to numbers of fish?
- In regard to the satellite tracking program, what is the success rate?
- Is turtle research using offset circle hooks? Are offset hooks were better for turtles?
- Is there any post release mortality with the satellite tag study?
- The statistics presented are all pre-Florida Straights closure? If so, what about the Japanese comments? There are efforts underway in the United States to provide quality answers back to them.
- Satellite tags are a research and funding priority.
- None of the data presented by Eric Prince shows post-swordfish closure data. We need to see the impacts of the closures.
- On tournament surveys, what amount of mortality is being missed? What about non-tournament landings? Are these numbers the United States total catch? In 2003-2004, is NOAA Fisheries going to continue to generate these numbers with the Recreational Billfish Survey? NOAA Fisheries needs to ground truth the numbers that are being reported.
- The United States is not positioning itself properly. NOAA Fisheries needs more information and needs to fill in the unknowns like mortality statistics. ICCAT will not progress without credible information.
- We are developing a dissolving bait. We are looking at time of hook-up of targeted species and non-target species. We are looking for 100 sets in the Gulf of Mexico, 50 sets below Hatteras, and 50 sets above Hatteras in 2004. We are not putting priorities in the right order.
- Is the plan in the 2003 budget proposal? Now is the time to have federal funds to promote research. We need others to contribute.
- If there is not enough money, NOAA Fisheries needs to do some prioritization.

## **ICCAT Status Update**

Dr. John Graves, Chair of the ICCAT Advisory Committee, presented an overview of ICCAT activities during 2002. These activities included meetings of the four Species Working Groups (Bluefin Tuna, Billfish, BAYS tunas, and Swordfish), the ICCAT Inter-sessionals, summer data workshops for white marlin and BAYS tunas, fall regional meetings and the annual ICCAT meeting. Comments and issues raised by AP members included:

- Where do new ICCAT member countries get their allocations?
- The whole dynamics of ICCAT will change over the next 5-10 years.
- The U.S. Commissioners did a good job with the cards they were dealt regarding the revised strategy of the European Community. This amounted to an incremental success but the resolution on unified management may be the most important.
- We need to know where the small fish fisheries are prosecuted before they can be regulated.
- The next ICCAT Advisory Committee meeting will probably be held in early May.
- What is ICCAT doing in regards to pelagic sharks? An assessment is being planned for 2004.
- ICCAT 2002 may have been a large step in terms of process issues and illegal, unregulated, and unreported fishing measures.

## **Trade Restrictive Measures, Vessel Lists, and Statistical Documents**

Copies of presentations on these issues were provided at the AP meeting but, due to time constraints, these issues were not discussed.

## **Swordfish - 2002 and Beyond**

NOAA Fisheries presented new stock assessment information for Atlantic swordfish and information on quota and dead discard levels. NOAA Fisheries provided updates on upcoming rulemaking including a quota adjustment, clarification on the quota transfer to Japan, implementing the 2002 ICCAT recommendations. Comments and issues raised by AP members included:

### International Quota Level Issues

- ICCAT should not have raised the quota. The United States had no leverage and the quota increase will end up in negative situation. The only positive thing in terms of rebuilding is that the United States won't be taking all of their quota.
- Concern was expressed about the increase in quota, especially since recovery depends on incoming juveniles and we can't measure them in United States.

- A lot of rebuilding is done in the United States. The increase in juveniles is because of United States. Now Spain wants steal them and we need to get tough.
- What hurt our objective was a statement by the ICCAT Standing Committee on Research and Statistics (SCRS) chairperson who provided the backing for the increase. We should have had the U.S. scientists influence and provide the risks. In the future, we need to consider putting scientists into fray.
- Not taking our share is good and bad. ICCAT will see the United States isn't taking it and will decrease the share.
- The average size of swordfish is 50 lbs; that's a juvenile fish. In the short term, we can resist having share taken but in long run, the share will be decreased.
- We shouldn't give quota to Canada.
- ICCAT went with science on swordfish and we shouldn't complain. By contrast albacore wanted a higher Total Allowable Catch but ended up going with science; the disaster was bluefin tuna. It is not a good idea to put scientists on cutting board.
- In the talks about south Atlantic swordfish at ICCAT, they said that U.S. fishery was theoretical. This will feed back into north.

#### Recreational Fishing Issues

- We need to enhance our ability to take in sustainable manner. The handgear fishery should not remain a closed access fishery; the gear is fairly selective. NOAA Fisheries should open rod and reel. NOAA Fisheries should not have put a bag limit in place. NOAA Fisheries should reconsider measures such as a minimum size that requires dead fish to be discarded. NOAA Fisheries needs to restructure the fishery to move forward.
- Concern was expressed about recreational access. NOAA Fisheries' note makes it look like health of the stock depends on recreational sector. At the same time, discards from commercial is over 50 times the catch of recreational. Recreational fishermen should land as much of the quota as they can so United States doesn't lose quota. Recreational fishermen have been good at self regulating. Why do they need to be restricted?
- The bag limit will increase discards in a clean fishery. Monitoring will help.
- It seems like we are putting ourselves out of business. The bag limit is regardless of the people on the boat or length of trip. We are taking a cut on a fishery that is expanding and rebuilding. The daily limit is what bothers me because we can't go on multiple day trips.
- The concept of a limit because NOAA Fisheries can't keep up with the fishery does not match the optimum yield requirements in the Magnuson-Stevens Act.
- The headboat industry is taking a beating. They are commercial and need to maintain the industry to feed their family. Charterboats are more versatile. If a boat doesn't sail, then the industry could collapse. We don't want to sacrifice for someone else's greed.
- NOAA Fisheries has a printed history of this recreational fishery. As long as we are in a quota system, it shouldn't matter if they sell fish. We have more commerce in sport fishing industry than in commercial.
- Perhaps it is time to increase the minimum size. The average size is 50 lbs. To protect small fish, we need to look at multi day trips and artisinal fisheries.
- Rod and reel is more selective and doesn't have the discards the longline has. We need to expand catch. Let's expand other gear types.

- We are creating a mythology. There shouldn't be illegal sales. Do you have any data on number of sales by non-permitted fishermen? As of January, Florida began to require permits for swordfish. Can we track them in the future?
- NOAA Fisheries needs to do something about dead discards, especially those not being counted.
- Recreational fishermen are against illegal sales. The problem is the purchase. We need to make cases there. Sometimes "illegal sales" in Florida were really legal once they were checked out.
- The upcoming proposed rule should eliminate the bag limit. Another problem is in the agency itself. NOAA Fisheries needs to figure out some way to fix the permit and announce the need of permit.
- Regarding the comment that "Illegal sales are huge and getting worse," everyone who knows of this should contact the authorities.
- Someone illegally catching fish is not going to report. If they're caught, they should be treated as an unlicensed commercial fisherman. That will stop it.
- What is the rationale to put on a bag limit when we are under quota system?

#### Commercial Fishing Issues

- Less than two years after the closures, we are going to let the longliners go in and fish on juveniles.
- There is an incidental category and most incidental trips are several days. NOAA Fisheries should increase the incidental limit from 2 to 10.
- We should bring back the harpoon fishery but it doesn't appear viable right now.
- About the 25 mt to Canada, they wanted it and we gave it so they wouldn't raise the idea of redoing quota shares.
- Artisanal fishermen have not contributed to the overfishing of these fish. Right now, the area is closed to avoid small swordfish. In the SAFE report, the bycatch table shows that with the number of fish taken to boat there is mortality. The ink is not dry on the closure and you want to reopen area to recreational after putting folks out of business. It's appalling.
- We haven't fought for rebuilding to be pushed out of the fishery and we're working on bycatch issues. The world is not going to get rid of pelagic longlines and the U.S. fleet is at spearpoint of the research effort to reduce bycatch.
- Incidental catch limits of swordfish should be revisited as part of rulemaking to reduce bycatch.

#### Caribbean Issues

- Now that there is recreational permit, there should be a Caribbean permit for HMS.
- In the Caribbean, NOAA Fisheries opened up the recreational fishery and they're legal but artisanal fishermen still can't land them. The recreationally caught fish end up in restaurants while the artisanal fishermen eat them. NOAA Fisheries needs to reopen the handgear category. It's not fair, these folks can't feed their families.



## **Bigeye, Albacore, Yellowfin, and Skipjack Tuna Issues**

Andy Loftus provided an overview of efforts to locate, review and compare historical HMS data that may have been collected from sources other than the Large Pelagic Survey (LPS). These efforts are concentrating on identifying sources of data and data collection at this time.

Yellowfin tuna is the primary species being evaluated and they are concentrating on the for-hire sector of the fishery. The goal is to update landings data for yellowfin tuna if possible, identify gaps in datasets or geographic coverage, and provide recommendations for future improvements in data collection for HMS. Comments and issues raised by AP members included:

- Is NOAA Fisheries able to estimate at least the magnitude of what is being caught and whether there may have been over/under reporting?
- Concern was expressed that confusion over who was required to report through the Northeast logbook program may have led to under reporting up to about 1998. Clarification of rules and more complete reporting may have led to differences observed between that and the LPS.
- Do private vessels need the multispecies permit and therefore have to report as well? This is important for the recreational sector to get their fair share of the resource.
- Does the LPS collect data in the Gulf of Mexico?
- The yellowfin tuna fishery is big in the Gulf and it is important to get whatever data is available.
- Issues were raised over the analyses conducted by Sutton & Ditton and the Gulf Council had prepared a list of responses and comments. NOAA Fisheries should include their responses, or at least the concerns raised by the Council, in the next SAFE Report.
- Since the LPS estimates were poor in comparison to the logbooks, NOAA Fisheries should spend their money on more dockside data collection.
- What kind of issues will these data problems raise internationally? Will other countries start to wonder about the numbers for other species?
- There is a process to adjust past numbers through the ICCAT SCRS if there is a better basis for what the numbers should be.
- NOAA Fisheries needs to communicate better why yellowfin was left off the phone survey.
- NOAA Fisheries needs to work together with the Atlantic Coastal Cooperative Statistics Program to improve data collection.
- Revised for-hire methodology will be implemented this spring which should improve the quality and quantity of data for all species.
- South Carolina has a 25 year database of tournament and non-tournament billfish data.
- The new for-hire methodology made a tremendous difference in the quality of data collected from the Gulf of Mexico.

## Summaries of the Discussions Held on Wednesday, February 12, 2003

### Bycatch Issues

#### *Bycatch Reduction Measures Update*

NOAA Fisheries presented preliminary results of the effectiveness of recently implemented time and area closures in the pelagic longline fishery, including the objectives of time and area closures, map of closed areas, an updated table for bigeye, albacore, yellowfin, and skipjack (BAYS) tuna estimates, and the methods used in the preliminary results. Preliminary results indicate that the number of hooks decreased by almost five percent, and that both bycatch and target species landings were also decreased. NOAA Fisheries noted that the results are preliminary and that more analyses over time are needed. Comments and issues raised by AP members included:

- The billfish numbers are encouraging.
- The intent was to reduce swordfish discards, not swordfish kept. But there is an equivalent reduction which indicates an effort reduction, not discard reduction.
- NOAA Fisheries needs to look at and consider these results beyond the closures.
- How good was enforcement of closures?
- What was the effect on fishermen? NOAA Fisheries has enough money to study animals but not fishermen.
- What was level of observer coverage?
- The results are encouraging.
- There are so many juveniles out there that that would effect results. Also, given the number of juveniles, it is important the closures were in place at this time.
- The impact of juvenile swordfish needs to be looked at. The results are positive for billfish but the big reductions will come from ICCAT.
- There is a large discrepancy between logbooks and observers and any comparison will change results for billfish.
- The fishery was still in a dynamic state during this period. Ultimately many of those vessels went out of business. There was never the migration predicted of vessels to the Mid Atlantic Bight, and the usual migration of vessels was less than usual. In next year's data, the transition will no longer be an issue.
- Due to politics, the logbooks are not as consistent as they could be. A finer scale would show the outer boundaries are over extensive.
- Are there any plans to look at individual areas?
- The areas are a cost to commercial fishery.
- These closures were not driven by ICCAT; they were to address juvenile swordfish and billfish but the United States has been and is still in compliance with ICCAT.
- The issue of potential shift in effort is important.
- What is the price of permits?
- No one will buy the permits if they can't make money with it. There have been no new boats built in years; the industry is dying.
- NOAA Fisheries should look at observer data.

- The agency needs to take care of these families and do more than a limited socio-economic analysis. NOAA Fisheries needs to do more of a cost benefit analysis.

### *NED Experimental Fishery*

NOAA Fisheries presented the results of the 2002 Northeast Distant (NED) experimental fishery to reduce sea turtle bycatch in the pelagic longline fishery. The 2002 experiment tested reduced daylight soak time, use of circle hooks, use of mackerel as bait, and dehooking devices. Preliminary results showed reductions in the bycatch of loggerhead and leatherback turtles under all treatments. Catches of swordfish and bigeye tuna decreased under some treatments but increased under others. Comments and issues raised by AP members included:

- Loggerhead hook location information looks significant but only 12 percent of the hooks were removed. Why not more?
- J hooks appear smaller than they used to be.
- I've removed all the barbs and haven't lost any fish. Maybe the industry could try that.
- This is encouraging news and we look forward to exporting it. We are interested in promoting this work at the FAO meeting coming up in a few weeks and are asking for ways to do this.
- Are any of these changes going to be required and translated to real world?
- As for no offset hook, is that the same size as hook in Azores?
- Azores study found no significant difference which indicates a conflict. If the point is to export, we need to make sure it works elsewhere.
- In the Azores, there was only one boat and we've never seen any confidence intervals. NOAA Fisheries has been careful and has always included confidence intervals. NOAA Fisheries should look at the opposite offset.
- We need to remember that this is one year of data. We need to consider things more before moving forward.
- The mandate is 55 percent reduction. What you see is a 92 percent reduction in interactions. Also need to work on reducing mortality. We've learned so much from this study. It is basically a swordfish protocol and there is more work to be done such as on tuna sets- only some can be transferred to tuna sets. The industry is setting its priority on third year research. Other things we won't accomplish such as post hooking survival and hooking timers because of money. We have enough under our belt to have a nice brochure ready for ICCAT and to encourage other fleets to try these measures.
- This is a great example of how the agency can apply science to solving problems.
- To export this we need to first define the problem. We skipped that in the United States because of ESA; they don't have that overseas. We need post release mortality science to help this effort.
- All offset hooks are offset in same direction. Most of the turtles are hooked in same flipper. It might be worthwhile to offset hooks in other direction.
- This is an impressive program but there is another explanation for results - the baseline data was badly flawed.
- Are the multiple hooks and multiple gear types on the gear at same time or on different sets?

- It is miraculous that turtles dislike mackerel while swordfish like it so much.
- The results are so extreme that I have a hard time believing them.

### *Bluefin Tuna Incidental Catch Proposed Rule*

NOAA Fisheries presented the proposed rule to reduce incidental catch of bluefin tuna in the pelagic longline fishery, which published in December 2002. NOAA Fisheries outlined the alternatives considered, methodology used in estimating bycatch levels, and a summary of comments received during the public comment period. Comments and issues raised by AP members included:

- NOAA Fisheries should allow a third tier for catching more bluefin tuna based on large trip landings of target catch.
- Adjusting target percentage by 25 percent in the inseason adjustment authority may be too restrictive. Perhaps it should be raised to 50 percent.
- There is no reason to cap at 3 bluefin tuna.
- Poundage should be the measure for target catch, not 2 percent.
- The proposal may not go far enough because it will still not allow a reasonable opportunity to harvest entire longline quota.
- NOAA Fisheries should consider a 40/60 split, rather than current 30/70.
- The 30/70 split not equitable and was not based upon the best available effort information.
- Northern boat owners may move south (Gulf of Mexico) to get their fair share of the allocation.
- NOAA Fisheries would get better information on effort if the allocation was split 50/50.
- NOAA Fisheries should move the allocation demarcation line to that outlined in preferred alternative (i.e., 31 degrees 00 minutes latitude) in the proposed rule.
- The Gulf of Mexico should be off limits.
- There should be inseason quota adjustments.
- The 30-day notification requirement, prior to changes in regulations, is too long.
- NOAA Fisheries should employ a two-week notice to be timely responding to resource concerns (i.e., harvest/quota projections).
- NOAA Fisheries should investigate/analyze recent landings from 2001 and 2002.

### **Authorized Gear and Permits**

NOAA Fisheries presented information on the current list of authorized gears as well as the use of greensticks and other gear types not authorized. NOAA Fisheries also presented information on current permit requirements and combinations, the history of the permitting process, limited access objectives, the current numbers of limited access permits and permit transfers, dealer permits, and EFPs. NOAA Fisheries may conduct scoping this fall on permitting issues. Comments and issues raised by AP members on both authorized gears and permits included:

- How can the fishery be limited access but the tuna permit numbers increase?

- Would it be easier to have a import sticker on normal dealer permit?
- Any new rulemaking should be finetuning, such as calendar date. NOAA Fisheries should go cautiously with any major overhaul and opening up limited access.
- Can you explain the permitting structure for EFPs?
- There should be flexibility to make sure we can get out during season.
- Would the rulemaking be a framework adjustment or an amendment?
- If a vessel has the permits to use longline, can they use handgear?
- NOAA Fisheries should reopen handgear fishery.
- NOAA Fisheries needs to simplify the renewal process for permits.
- NOAA Fisheries should streamline the permit process.
- There is an interesting situation in North Carolina where commercial fishermen can't transfer tuna categories. Maybe one transfer every 6 months or so would be okay.
- NOAA Fisheries needs to work out vessel upgrades for safety reasons and to help sell permits.
- If boats wants to participate in General and Angling they will switch to CharterHeadboat.
- Why doesn't the authorized gear for billfish include downriggers? Tuna includes downriggers.
- In the SAFE report regarding dealer permits, people with dealer permits must see the limited access permit. But there are permits on the west coast, five Canadians, and one Ecuadarian. There is only one dealer in the Virgin Islands and Puerto Rico allowed to legally buy sharks and only one shark fishing permit in the Virgin Islands and Puerto Rico.
- There are several hundred greensticks folks out there. It does not compare to longline because it has to be towed. It should be authorized but not classified as longline.
- Greenstick sounds very similar to bandit gear which is authorized .
- Traditional bandit gear in Gulf of Mexico is bottom, not floating, gear.
- The greenstick issue is scary because the fishery exists.
- Greensticking is a clean fishery with no dead discards and NOAA Fisheries should immediately approve the gear type.
- When greensticking for yellowfin, the mainline is just a means to keep leader out of water. It is a rod and reel fishery because it has two hooks only.
- Greensticks should be an authorized gear type for both commercial and recreational fishing.
- Spearfishing is not authorized but the AP thought it was okay during FMP process.
- The AP had a long digression about dangers of spearfishing.
- They want to bring spearfishing up again. The problem is not letting the experienced ones in, the problem is the rest of the group that's not equipped and would increase mortality of fish because the fish would get away and die and the fishermen would keep fishing.
- NOAA Fisheries may not want to open a Caribbean HMS handgear permit for the coast but it would solve the Caribbean problem.

## **Bluefin Tuna Issues**

NOAA Fisheries gave several presentations on bluefin tuna issues, including the ICCAT quota, purse seine start date, minimum commercial size, harpoon category closure date, carryover provisions, North Carolina petition for rulemaking and a summary of public comments on the petition. For each of these major topic areas, the discussion centered around a variety of options presented by different parties. Comments and issues raised by AP members included:

### *Purse Seine Start Date*

- An August 15 start date is a balance. The general category is June-August and currently production is very low. The start of the purse seine fishery in August collides with peak production. In September-October, the 1000 mt is forced into a tight market. Steady production is best with maximum length for each season. Some want a June 1 start date. Harpoon has had early season fishery with no competition in June-July 15. If NOAA Fisheries backs up the purse seine fishery, it will collide with the harpoon fishery. A July 15 start date is best.
- A July 15 start date is reasonable.

### *Commercial Minimum Size*

- The current target is 81" and above and there is minimal incidental allowance for large/medium bluefin tuna.
- NOAA Fisheries should lower the minimum size to 73".
- Harpoon and purse seiners have not achieved quota the last few years due to warmer water (4-6 degrees warmer in the Gulf of Maine), herring trawlers, and the availability of small fish, which have all inhibited quota achievement.
- There should not be a reduction in the 73" minimum size.
- In the Mediterranean bluefin tuna spawn at 3-4 years and 50 lbs.
- There should be a standard 73" across all categories. The general and longline categories are already there, and harpoon and purse seine categories should get the same size.
- NOAA Fisheries should keep the minimum size at 77" for one year. Concern was expressed about discards. NOAA Fisheries should keep records of results and address this again next year.
- The harpoon category should have a 77" minimum size.
- Possible explanations for smaller fish are that there are two different spawning times, fish coming across the Atlantic are smaller than our bluefin tuna and mingle, and that the fish are not getting enough food. Many fish that are being caught are 1" under the minimum size. They are the same year class but have less food and spawn in March-May. They are the same year class spawning at different times.
- There is no shortage of larger fish further east.
- There have been a lot of mixed schools in the recent years. We can't set on mixed schools if more than 10 percent are in the 77" range. NOAA Fisheries should reduce the complexity of regulations.
- The stock assessment shows that this is the largest stock since 1983 entering the Gulf of

Mexico to spawn this year, which should address concerns about reducing the spawning stock biomass.

- Does NOAA Fisheries have purse seine discard data? Data is needed to look at this. NOAA Fisheries should consider revising the tolerance limits.
- NOAA Fisheries should revise the tolerance limits.
- NOAA Fisheries considered revising tolerance limits, but it was more practical to lower the minimum size. It would potentially be acceptable to bump to 50 percent tolerance, but NOAA Fisheries should use standard set like on longlines.
- How come seiners don't go to the NED area?
- The bluefin tuna in the NED area may not be schooling.
- The latest stock assessment and mixing report showed west to east mixing. We get more eastern fish coming west. Eastern fish mature sooner.
- NOAA Fisheries should go to 73" minimum size; this is not a big biological factor.
- NOAA Fisheries needs some biological analysis and should use caution.
- Have we caught all of the larger fish?

#### *ICCAT Quota and Category Carryover*

- NOAA Fisheries doesn't need to revisit carryover provisions.
- NOAA Fisheries has done a good job with in-season transfers, but we need earlier notification. Some categories have not used their quota.
- Allocations are such that user groups can no longer fish on them.
- With 8 percent mortality on school fish reducing the bag limit to 1 fish per boat and the 10 mt in Northeast, the boats don't go out.
- When there was no General category in Montauk, there were bluefin tuna everywhere but the breeding fish were harvested and are now gone. NOAA Fisheries has made no effort to restore the bag limit to those who always fished. NOAA Fisheries took 50 mt of their category.
- NOAA Fisheries should give the Angling category a bag limit that is attainable like 1 fish per person, up to 6 people. This would restore the fishery in late September and early October. Same with headboats.
- We need a higher bag limit.
- Each category should be responsible for its own care. Every category has not had enough fish, but at least this year there is a little bit more with the 107 mt increase across all categories.
- It is difficult to watch the General category get inseason adjustments.
- Many categories are under quota. Landings are caught at the same time which causes economic hardship. NOAA Fisheries should spread it out.
- NOAA Fisheries should re-adjust Angling categories. Nobody needs to take a cut.
- NOAA Fisheries should address the schooling problem, Angling category problem, North Carolina problem, and should readjust to accommodate.
- The Angling category problem is a shortage of schooling fish quota. Bag limits are overly restrictive. NOAA Fisheries can do this without impacting the rebuilding plan. School fish fishery is very important.
- NOAA Fisheries should make sure 1 trophy fish can be caught in the Gulf of Mexico.

- Many categories are not meeting quota so new quota is not giving anything away.
- We worked for many years to get the 77 mt increase.

### *North Carolina Petition for Quota*

- NOAA Fisheries should propose a rule for North Carolina on how to institutionalize leftover quota until there is a plan amendment. NOAA Fisheries can't do this without a plan amendment.
- NOAA Fisheries should use a "no heartburn" approach. NOAA Fisheries already did percentages between categories.
- The General category is willing to discuss North Carolina issues and Angling category overages and underages.
- North Carolina should get quota.
- The fishery has changed.
- NOAA Fisheries can address the North Carolina issue in many ways.
- The South Atlantic has tremendous value that can be gained into December-January. Don't think of this as North Carolina quota. Look at 200 mt underage. The General category had a 250 mt overage and there was still 300 mt left.
- There is a Charter/headboat category developing in North Carolina. There is a commercial aspect to North Carolina fishery. NOAA Fisheries should use Angling category quota to meet that service.
- NOAA Fisheries should address the North Carolina issue but it is difficult to give away increase.
- NOAA Fisheries should take the additional ICCAT quota and put it in December.
- NOAA Fisheries should consider giving 70 mt to the General category for North Carolina.
- The General category doesn't want to see any quota go to North Carolina.
- Other states can't fish in North Carolina state waters but every other state allows this.
- Things are different this year than last year. North Carolina was told it would need to submit a petition and it has. This is more than a North Carolina issue. Georgia, Florida, and South Carolina are all onboard. This is not an Angling category issue. We want the 50 mt Angling quota to stay in place. NOAA Fisheries needs to make changes through a Framework or Plan Amendment. Last spring there was a potential for increase at ICCAT to use for North Carolina.
- In 1996, North Carolina asked for an allocation and was regulated out of the fishery. This is not a new fishery. Fish have been there for years.
- The increase in ICCAT going to North Carolina was discussed last April.
- NOAA Fisheries needs to make fish available to North Carolina, but NOAA Fisheries should use caution. The take in North Carolina has been modest.
- Tagging program and history shows the stock in the Northeast is the same stock as the one in the Gulf, Bahamas, and North Carolina. The stock can sustain 150 mt.
- Most North Carolina fish are immature. NOAA Fisheries should use caution.
- There should be a split for North Carolina.
- Why should there be fishery in December or January?



### *Harpoon Closure Date*

- In the 1970s, a small group used to harpoon. They got a small quota to meet the needs of the traditional fishery in Maine, New Hampshire, and Massachusetts with a season start date of June 1. NOAA Fisheries should look at the closure date and southern boundary as well as at its intent in 1979-80. NOAA Fisheries should propose both.
- The General category supports a November 1 closure date but is still in litigation over the spotter pilot issue.

### *General Category Effort Controls*

- There should be no restricted days in advance of the fishing season. It's easier to put controls on rather than taking off.
- The early season general category is not getting fair share. NOAA Fisheries should start at 2 fish per day, and adjust the tolerance.
- NOAA Fisheries is too cautious in transferring quota because it is afraid of exceeding the ICCAT quota.
- NOAA Fisheries should afford the opportunity to catch the quota.

### **Topics for Second Meeting**

NOAA Fisheries closed the meeting by stating that another AP meeting will be necessary with the planned HMS FMP amendment for sharks. NOAA Fisheries requested that AP members consider conflicts with other meetings and start thinking about a fall meeting date and location. Comments and issues raised by AP members included:

- The AP should meet toward end of proposed stage so we can see comments.
- The meeting should be late in comment period in July and August.
- We don't want shark to cut close to the deadline.